

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MIGUEL A. CUADROS-PESQUERA, ESQ.

USDC-PR 114814

MISC. NO. 10-268 (ADC)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

On August 25, 2010, an ethical complaint (ECF No. 1) was filed before this Court against attorney Miguel A. Cuadros-Pesquera ("Cuadros-Pesquera") in regards to the legal representation of plaintiffs in several cases filed against the Puerto Rico Government Development Bank ("GDB"). The complaint alleges that Counsel Cuadros-Pesquera breached his ethical responsibilities toward his clients, opposing counsel, co-counsel, and the court by violating the Model Rules of Professional Conduct pertaining to competence (Model Rule 1.1), meritorious claims (Model Rule 3.1), candor and fairness (Model Rule 3.3), the responsibilities of a partner or supervisory lawyer (Model Rule 5.1), and misconduct (Model Rule 8.4). The matter was referred to a Magistrate Judge for an investigation and report and recommendation pursuant to Local Rule 83E(b). (ECF Nos. 2 & 4)

Counsel Cuadros-Pesquera was notified by the Court of the complaint and his right to respond (ECF No. 5), as well as his right to provide the Court with documents and testimony regarding the allegations of the complaint. The Magistrate Judge conducted interviews under

oath with Cuadros-Pesquera, his co-counsel William Meléndez-Menéndez and the complainant, counsel for GDB Mariela Rexach-Rexach, during closed door hearings held on November 16 and 29, 2010. Counsel Cuadros-Pesquera did not submit a written response to the complaint, even though he was once again informed of his right to do so during the aforementioned closed door hearing.

On May 31st, 2011 (ECF No. 20), the Magistrate Judge issued a Report and Recommendation ("Report"), finding that there was clear and convincing evidence establishing that Counsel Cuadros-Pesquera had breached his duties of competence, of fairness to opposing party and counsel, and as a partner, and committed misconduct by engaging in conduct that was prejudicial to the administration of justice, all constituting violations to the Rules of Professional Conduct. The Magistrate Judge recommends that Counsel Cuadros-Pesquera be publicly reprimanded, without prejudice to the imposition of further sanctions upon the resolution of several pending appeals associated with the facts in controversy. Furthermore, counsel was provided notice that any objections to the Magistrate Judge's Report and Recommendation had to be filed within fourteen (14) days of notice. See Local R. 83E(b). Counsel Cuadros-Pesquera filed an Objection to the Report and Recommendation on June 16, 2011 (ECF No. 23) and complainant filed a response to the Objection on July 1, 2011 (ECF No. 24). The Magistrate Judge's Report was considered by the judges of this Court during a meeting held on July 15, 2011.


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After careful review of the report, the Court adopts factual and legal findings of the Magistrate Judge and determines that counsel has incurred in the above-mentioned violations. In doing so, the Court finds that the seriousness and repetitive nature of the violations incurred requires, and it is SO ORDERED pursuant to Local Rule 83E(c), that Counsel Cuadros-Pesquera be suspended from the practice of law in this forum for a period of one (1) year.

IT IS SO ORDERED.

At San Juan, Puerto Rico, on this 21st day of July 2011.


S/AIDA DELGADO COLON
Chief Judge, U.S. District Court